

'085 reference but two spaced fasteners including an annular ridge for locking the first and second members together. Accordingly, the arrangement as recited in modified claim 1 provides a stronger hinge arrangement than the single further portion and hole 64 of the '085 arrangement which could easily be broken if the extension were to be twisted or moved laterally. Furthermore, the claimed annular ridge facilitates rapid assembly of the extension to the downspout. Additionally, the extension becomes permanently attached to the downspout without the potential problem of having any wing nut or the like becoming detached from the fastener thus causing detachment of the extension from the downspout.

Accordingly, Applicant is of the opinion that modified claim 1 defines a combination which is both novel and nonobvious over the disclosure of the '085 reference and should therefore be allowable thereover.

Additionally, claims 3, 4 and 6-10 are dependent on modified claim 1 and define further novel and non obvious features over the applied reference. Therefore, Applicant is of the opinion that claims 3, 4 and 6-10 should also be allowable over the '085 reference.

3/ Claims 1, 6-8 and 13 have been rejected under 35 USC. 102(b) as being anticipated by US. Pat. No. 3,911,954 to Johnson.

US. Pat. No. 3,911,954 to Johnson describes an extension for a downspout which includes a bolt having a head 25 and a threaded shank which threadably cooperates with a nut 25A'. The bolt hinges together two pairs of J-shaped members 24 which are fastened respectively to the downspout and to the extension by fasteners 23.

The arrangement recited in modified claim 1 is far less complicated than the arrangement disclosed in the '954 reference in that two spaced fasteners are used with the fastener being locked by an interaction of the annular ridge on the shank with the second member.

Furthermore, the arrangement as recited in modified claim 1 includes all the advantages stated hereinbefore relative to the rejection over the '085 reference.

Accordingly, Applicant is of the opinion that modified claim 1 defines a combination which is both novel and nonobvious over the disclosure of the '954 reference and should therefore be allowable thereover.

Additionally, claims 6-8 and 13 are dependent on modified claim 1 and define further novel and non obvious features over the applied reference. Therefore, Applicant is of the opinion that claims 6-8 and 13 should also be allowable over the '954 reference.

4/ and 5/ and 6/. Claims 1, 2, 15 and 16 have been rejected under 35 USC. 103(a) as being unpatentable over US. Pat. No. 5,511,829 to Sicotte et al.

US. Pat. No. 5,511,829 to Sicotte et al. teaches a U-shaped flange portion 15 which is disposed outside a U-flange 19 of a downspout tube 18 (column 2, lines 44-48). As shown in Figs. 1, 2, 4A and 4B a screw forms "hinge pins 12" (column 2, line 42). However, there is no teaching in the '829 reference that would lead a person of ordinary skill in the art to use fasteners of the type recited in modified claim 1 with an annular ridge for engagement of the shank within the second member for the advantages over the '829 arrangement as stated hereinbefore.

Therefore, Applicant is of the opinion that modified claim 1 defines a nonobvious improvement over the '829 reference and should be allowable thereover.

Additionally, claims 2, 15 and 16 have been cancelled.

7/ Claims 5, 11 and 12 have been rejected under 35 USC. 103(a) as being unpatentable over US. Pat. No. 5,735,085 to Denooy.

Claims 5, 11 and 12 are dependent on modified claim 1 and define further non obvious features over the applied '085 reference. Therefore, Applicant is of the opinion that claims 5, 11 and 12 should also be allowable over the 085 reference.

Reexamination and reconsideration of the claims as amended is requested.

By this amendment, claim 1 has been modified to emphasize important features of the present invention. Claims 2, 15 and 16 have been cancelled. Claim 9 has been amended. Claim 14 has been allowed. Claims 1, 3-14 remain in this application.

Allowance of claims 1, 3-14 is earnestly solicited.

A petition for a one month extension is filed herewith together with the fee therefore.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached pages are captioned **"Version with markings to show changes made"**.

Respectfully submitted,



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"Version with markings to show changes made".

In the claims:

Please amend claim 1 as follows:

1. (once amended) A snap lock device for hingedly securing an extension to a downspout, said device comprising:

a first member;

said first member including:

a head;

a shank extending from said head, said shank extending through a first hole defined by the extension and through a second hole defined by the downspout;

a second member cooperating with said first member; [and]

said second member defining an aperture for the locking reception therein of said shank for locking the extension and downspout together [.] ;

[2. A snap lock device for hingedly securing an extension to a downspout as set forth in claim 1 further including:]

a third member:

said third member including:

a further head;

a further shank extending from said further head, said further shank extending through a third hole spaced from said first hole and defined by the extension and through a fourth hole spaced from said second hole and defined by the downspout;

a fourth member cooperating with said third member;

said fourth member defining a further aperture for the locking reception therein of said further shank for locking the extension and downspout together so that folding of the extension against the

full looking

*@ as combination
downspout, extra
& snap lock device.*

not for fastener

the other fastener

downspout is permitted for facilitating yard maintenance; and

said shank defining an annular ridge such that when said shank extends through said aperture of said second member, said annular ridge locks said second member relative to said first member.

Please cancel claim 2 without prejudice.

Please amend claim 9 as follows:

9. (once amended) A snap lock device for hingedly securing an extension to a downspout as set forth in claim 8 wherein

said cylindrical surface defines [an] said annular ridge such that when said shank extends through said aperture of said second member, said annular ridge locks said second member relative to said first member.

Please amend claim 14 as follows:

14. (once amended) A tool device for attachment to a jaw of a pair of pliers for assisting fastening of a snap lock device [as set forth in claim 1] for hingedly securing an extension to a downspout, said snap lock device comprising:

a first member;

said first member including:

a head;

a shank extending from said head, said shank extending through a first hole defined by the extension and through a second hole defined by the downspout;

a second member cooperating with said first member;

said second member defining an aperture for the locking reception therein of said shank for locking the extension and downspout together;

said tool device comprising:

a cylindrical member having a first and a second face and a longitudinal axis and a cylindrical outer surface, said cylindrical member defining a coaxial bore extending between said first and second face;

said first face defining a slot which extends diametrically across said first face for the reception therein of the jaw of the pair of pliers;

said cylindrical member defining a threaded bore which extends normal to said slot, said threaded bore extending from said cylindrical outer surface to said slot;

a fastener cooperating with said threaded bore such that said fastener removably fastens said cylindrical member to the jaw of the pair of pliers; and

said second face of said cylindrical member defining a cavity which is disposed coaxially relative to said longitudinal axis, said cavity having substantially the same dimensions as said second member, the arrangement being such that when a second member is disposed within said cavity, insertion of said shank within said aperture of said second member by the pliers is permitted.

Please cancel claims 15 and 16 without prejudice